

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BIO LUMIX, INC., ET AL.,

Plaintiffs/Counter-Defendants,

Case No. 08-11418

v.

SENIOR UNITED STATES DISTRICT JUDGE
ARTHUR J. TARNOW

CENTRUS INTERNATIONAL, INC.,

MAGISTRATE JUDGE R. STEVEN WHALEN

Defendant/Counter-Plaintiff.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS’
OBJECTIONS [410] TO SPECIAL MASTER’S ORDER [396]**

Now before the Court are Plaintiffs’ Objections [410] to the Special Master’s Order.

For the reasons stated below, Plaintiffs’ Objections are **GRANTED IN PART AND DENIED IN PART**.

The Special Master’s Order, issued on July 24, 2013, relates to “F:Drive materials” sought by Defendant, described more fully within the Order. Defendant seeks to inspect the computers of Plaintiffs and third party Microsys (a company run by Plaintiff Gideon Eden). The Special Master’s Order granted inspection of the computers, with the limitation that Defendant bear the expense of the inspection, that protocols be established to limit the inspection and search to “information on issues related to this case,” and that privileged or other confidential information be properly identified in accordance with the standing Protective Order in this case.

Plaintiffs’ objections are two-pronged. First, Plaintiffs argue that the Special Master’s Order is based upon “mere speculation” regarding the existence of the F:Drive materials.

The Court disagrees. The Special Master explained in detail the “troubling issues” that have surfaced during discovery as related to the F:Drive materials, and the Court adopts this reasoning. The Court finds that further discovery into this issue is necessary and appropriate, and DENIES this objection.

Plaintiffs’ remaining concerns regarding the scope of the Special Master’s order, and delay in the trial date, are more well-founded. Accordingly, the Court will GRANT Plaintiffs’ objection as related to restricting the scope of the computer search to a search for the F:Drive materials discussed in the Special Masters’ Order. Accordingly, Defendant will continue to bear the expense for this search, and will establish protocols to ensure that the search is limited only to files and/or documents relevant to the F:Drive materials originally requested for production from Plaintiffs. Plaintiffs will promptly provide access to their computers based on said protocols. To the extent that Plaintiff seeks to claim certain files and/or documents that are to be provide to Defendant are privileged, Plaintiff will do promptly so as to comply with the trial date set by the Special Master and the Court.

Accordingly, **IT IS ORDERED** that Plaintiffs’ Objections are **GRANTED IN PART AND DENIED IN PART**. Motions [373] and [388] are therefore resolved.

SO ORDERED.

Dated: August 19, 2013

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge